

## REMARKS

Claims 1-20 are pending in the application. The Examiner has rejected Claims 1, 4, 5, 8, 12-15 and 20 under 35 U.S.C. §103(a) as being unpatentable over Gutierrez (U.S. Patent 6,519,233) in view of Tanno et al. (U.S. Patent 6,078,572). The Examiner has rejected Claims 2, 6, 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Gutierrez in view of Tanno et al. and Chen (U.S. Patent 6,330,462). The Examiner has rejected Claims 3, 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Gutierrez in view of Tanno et al., and further in view of Honkasalo et al. (U.S. Patent 6,091,717). The Examiner has rejected Claims 16-19 under 35 U.S.C. §103(a) as being unpatentable over Gutierrez in view of Tanno et al. and Rinne et al. (U.S. Patent 6,671,286).

Regarding the rejections of independent Claims 1, 5, 8, 12-15 and 20, the Examiner states that Gutierrez in view of Tanno et al. discloses all of the elements of these claims. Gutierrez discloses a subscriber unit burst mode reservation in a CDMA wireless communication system. Tanno et al. discloses an access method, mobile station and base station for a CDMA mobile communication system. Regarding independent Claim 11, the Examiner states that Gutierrez in view of Tanno et al. and Chen discloses all of the elements of this claim. Chen discloses a method and apparatus for pre-transmission power control using a lower rate for a high rate communication. Regarding independent Claims 16-19, the Examiner states that Gutierrez in view of Tanno et al. and Rinne et al. discloses all of the elements of these claims. Rinne et al. discloses a method and apparatus for indicating variable data processing in telecommunication connections.

In the Response filed July 1, 2004, an argument was presented that none of the cited references teaches or discloses that the designation of a common channel as a dedicated channel is accomplished *by utilizing the designated channel indicating parameters and the action time for designation*. The Examiner has not replied to this argument. This rejection is contained in each of the independent claims. On January 5, 2005 Applicants' representative, Michael J. Musella, Esq., contacted the Examiner to

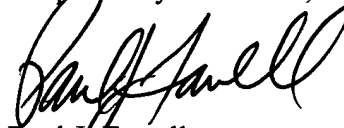
discuss this issue. The Examiner stated that it is quite possible that he did not address the particular element of the claims that recites that the designation is accomplished by utilizing both the designated channel indicating parameters and the action time for designation. The Examiner stated that he would reconsider the arguments and, if appropriate, withdraw the finality of the previous Office Action to reopen prosecution.

Based on the foregoing arguments, withdrawal of the finality of the Office Action and withdrawal of the rejections of Claims 1-20 is respectfully requested.

Independent Claims 1, 5, 8 and 11-20 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6, 7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6, 7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr